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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001541

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SUBJECT: 13 MARINES DETAINED AFTER EAST JAVA CLASH WITH
CIVILIANS, INVESTIGATION UNDERWAY

REF: JAKARTA 1525

Classified By: Charge d'Affaires John A. Heffern,
Reasons 1.4(b) and (d)

¶1. (C) Summary. On June 1, 13 marines suspected of involvement in the May 30 killing of four civilians in East Java were taken into naval military police custody. Vice President Jusuf Kalla issued an apology on behalf of the Government of Indonesia (GOI) and said that "action must be taken against whoever is wrong." He noted that the head of the armed forces (TNI) has apologized. Kalla declined to characterize the shooting as a human rights violation, saying that the courts should decide that matter. The military is investigating the incident and is allowing the National Human Rights Commission (Komnas HAM) to participate. It will continue relocating civilians from the disputed land, asserting that the navy has legitimate rights to the territory (the case is currently under appeal in civil court). The navy chief told PM Acting A/S Mull that the marines only fired into the air and ground after villagers approached them wielding sticks, stones and knives. He asserted that victims were killed by ricochet rounds, emphasizing that if the marines had fired deliberately at the villagers, many more than four would have died. The situation in Pasuruan is now calm, albeit with a greater security presence. We will continue to raise this issue at the highest levels, pressing the GOI to follow through with the investigation and urging it to deal with this incident in a transparent manner. End Summary.

13 Marines in Custody, Investigation Underway

¶2. (U) On June 1, 13 marines suspected of involvement in the May 30 killing of four civilians in East Java were taken into custody; the highest ranking detainee is a second lieutenant. They are being detained at the naval military police (MP) station in Surabaya while MPs continue to investigate the incident. During a previously scheduled trip to East Java on June 2, Vice President Jusuf Kalla issued an apology on behalf of the Government of Indonesia (GOI) and said that "action must be taken against whoever is wrong." He noted that the head of the armed forces (TNI) has apologized. According to Kalla, the GOI will review TNI land ownership issues again to avoid a repeat of this situation. However, Kalla argued, the root cause of the clash was the problem of increasing population density on the island of Java.

¶3. (C) When asked if the shooting incident was a human rights crime, as has been alleged by the National Commission on Human Rights (Komnas HAM), the Vice President demurred.

According to the media, Kalla replied that "the court will be the one to decide whether the incident was a heavy or light human rights violation or a common crime. Let the law decide...with the people as witness." During a meeting with visiting Pacific Command Commander Admiral Timothy Keating, Kalla did not provide additional details on the investigation but linked the killings to the need for transparent investigations, political control of the military and accountability.

¶4. (U) Local media has reported that TNI commander Air Chief Marshal Djoko Suyanto argued that "what the TNI chiefs should do first is discharge the marine commanders involved. After looking into what type of crime (they committed), the commanders should be prosecuted." Although the military retains jurisdiction over the case (much to the dismay of human rights organizations, who decry that it will not be open to the public unless the case is heard in civilian court), Suyanto promised that the investigation would be transparent. He acceded to a request from the National Human Rights Commission (Komnas HAM) to participate in the investigation, and permitted a Komnas HAM team to interview the 13 detainees on June 2. Meanwhile, the Commander of Eastern Fleet has indicated that the military will continue relocating civilians from the disputed land, asserting that the navy has legitimate rights to the territory. (Note. The Pasuruan District Court has ruled that the Navy has rights to the land, whose ownership is claimed by both the villagers and the military. An appeal filed by the residents is pending. End note.)

¶5. (C) In a June 4 meeting with Navy Chief Slamet Soebijanto, PM Assistant Secretary Stephen Mull welcomed the initial GOI response to the Pasuruan shooting, including the

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TNI's assurances that it would cooperate in the police investigation and its offer of compensation for the victims. Continued steps along these lines, he said, would help to demonstrate that Indonesia had changed under democracy. Soebijanto then provided an account of what happened during the incident. According to him, the marines' commercial cultivation of this long-disputed land was due to a lack of funds. After a negotiation session between the military and the local community on May 30, in which the military offered residents 500 square meters of land each, Soebijanto said, the villagers left to consider the offer. Ten minutes later, they returned armed with stones, sticks and knives. Women and children were positioned in front (as is typical during such protests, Soebijanto claimed), and the military was outnumbered. As the crowd advanced, Soebijanto averred, the patrol unit fired into the air. But when the crowd became emboldened, believing that these were blanks, the patrol unit fired at the ground to show that these were live rounds. Apparently, Soebijanto alleged, some of the bullets from the nearly 40 rounds that were fired ricocheted, fragmented and struck bystanders. Had the soldiers aimed at the villagers, Soebijanto emphasized, many more than four would have died.

Situation Calm in Pasuruan

¶6. (SBU) In Pasuruan, the security services, politicians and social leaders have reached out to the community. On June 1, the governor of East Java and several high-ranking military commanders met with 50 community leaders, agreeing to a complete investigation, a cessation in commercial activity on the disputed land, and an end to the roadblock. The TNI also reportedly offered those individuals laying claim to the land 500 square meters per family elsewhere, but the community declined. The parties agreed to meet again for further discussions on June 4. According to ConGen Surabaya contacts, the current situation in Pasuruan is approaching normal. Although there is an increased security presence, the roadblocks have indeed been removed. They report that the visit of prominent Nahdlatul Ulama (NU) clerics,

including National Chairman Hasyim Muzadi and former Chairman and President of Indonesia Abdurrahman Wahid, helped calm the situation.

¶7. (U) Nationally, calls for a thorough and open investigation have come from all quarters. The head of parliament (DPR) has demanded that the marines apologize and acknowledge that they committed an error in firing on the civilians, while the Agriculture Commission plans to haul in the TNI commander for questioning. Human rights groups are calling for the accused to be tried in a civilian court or at least in a joint civilian-military court.

¶8. (C) Comment. In light of above, we will continue to raise this issue at the highest levels, pressing the GOI to follow through with the investigation and urging it to deal with this incident in a transparent manner.

HEFFERN